



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/148498

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 04, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on May 02, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly closed the Petitioner's BadgerCare Plus case due to non-payment of a premium and whether the agency properly placed the Petitioner in restrict re-enrollment.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Lee Yang

Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On December 12, 2012, the Petitioner completed an online ACCESS renewal. The application was processed by the agency on December 14, 2012.

3. On December 28, 2012, the agency issued a Notice of Decision to the Petitioner at [REDACTED] St., Milwaukee, WI 53218 informing her that effective February 1, 2013, she was eligible for BC+ benefits with a monthly premium of \$52.
4. On January 18, 2013, the agency mailed a premium coupon to the Petitioner with a due date of February 10, 2013.
5. On February 18, 2013, the agency issued a Notice of Decision to the Petitioner at [REDACTED] St., Milwaukee, WI 53218 informing her that her BC+ premium has not been paid and that she should pay the premium right away. She was further informed that if the premium was not paid by the end of March, she might not be able to enroll in BC+ for the next 12 months.
6. The Petitioner did not pay the BC+ premium by the end of March, 2013.
7. On April 4, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### **DISCUSSION**

The Petitioner had been receiving medical assistance under BadgerCare Plus, which covers children under 19 and their parents. Wis. Stat. § 49.665. The county agency ended her benefits as of March 1, 2013, because she failed to pay the premium. The program's rules require recipients to pay a premium by "the 10th of the month prior to the month for which the premium is required." Wis. Admin. Code § DHS 103.085(1)(d)2. If a person fails to pay the premium by the end of the month for which it is due, benefits end on the last day of that month. Wis. Admin. Code § DHS 103.085(1)(d)3. Those whose benefits end because they did not pay a premium cannot reenroll for 12 months unless they did not pay because of circumstances beyond their control. These circumstances include:

- a. A problem with an electronic funds transfer from a bank account to the BadgerCare program.
- b. A problem with an employer's wage withholding.
- c. An administrative error in processing the premium.
- d. Any other circumstance affecting payment of the premium which the department determines is beyond the group's control, but not including insufficient funds.

Wis. Admin. Code, § DHS 103.085(3)(b)1

The Petitioner contends that she did not receive a premium coupon for February and that she learned she did not have benefits when she tried to fill a prescription in March, 2013.

All of the notices and the premium coupon informing Petitioner of the monthly premium were mailed by the agency to the correct address. There is no evidence that the notices were returned as undeliverable or that the Petitioner had difficulty receiving her mail at that address. Even if she did not receive the premium coupon, she should have been aware that a premium was due every month.

### **CONCLUSIONS OF LAW**

The agency properly terminated the Petitioner's benefits effective March 1, 2013 and properly placed her in restrictive reenrollment for 12 months for non-payment of BC+ premiums.

**THEREFORE, it is**

**ORDERED**

That the petition be, and hereby is, dismissed.

## REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

## APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

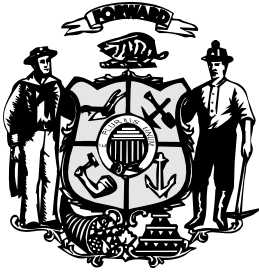
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 21st day of June, 2013

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\sDebra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on June 21, 2013.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability